

U.S. Department of Justice

United States Attorney  
Southern District of New York

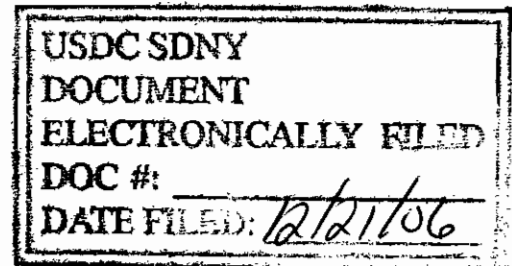
86 Chambers Street, 3<sup>rd</sup> Floor  
New York, New York 10007

December 20, 2006

## MEMO ENDORSED

BY HAND

The Honorable P. Kevin Castel  
United States District Judge  
United States Courthouse  
500 Pearl Street, Room 2260  
New York, New York 10007-1312



Re: Riverkeeper, et al. v. EPA, 06 Civ. 12987 (PKC)

Dear Judge Castel:

I am the Assistant United States Attorney assigned to represent defendant United States Environmental Protection Agency ("EPA") in the above-referenced matter, filed on November 7, 2006. For the reasons set forth below, we write respectfully to request an extension of time to respond to the plaintiffs' complaint, from January 8, 2007, until the Court sets a briefing schedule at the initial conference on January 19, 2007.

Pursuant to the Court's December 6 order, the parties are scheduled to appear for an initial conference in this case on January 19, 2007. As required by the order, the plaintiffs and EPA are preparing a joint letter to be submitted in advance of the conference, setting forth a brief summary of the parties' claims and defenses, as well as a discussion of motions the parties intend to file. EPA intends to file a motion to dismiss the complaint in this case, the basis of which will be described in the joint letter, pursuant to Your Honor's pre-motion requirement. Accordingly, EPA respectfully requests an extension of time to file its response to the complaint, from the current response date of January 8, 2007, until the Court sets a briefing schedule at the January 19 conference. Plaintiffs' counsel consents to EPA's request for an extension until January 19, 2007.

*Time to respond  
to complaint is adjourned  
to a date to be set at the  
January 19 initial conference  
(which will also serve as a pre-motion  
conference). SO ORDERED, USDC SDNY  
12-21-06*

Thank you for Your Honor's consideration of this request.

Respectfully submitted,

MICHAEL J. GARCIA  
United States Attorney

By: 

WENDY H. WASZMER  
Assistant United States Attorney  
Telephone: (212) 637-2729  
Facsimile: (212) 637-2717

cc: EDWARD LLOYD, ESQ. (By facsimile and first-class mail)  
REED WAYNE SUPER, ESQ.  
Counsel for Plaintiffs  
Environmental Law Clinic  
Columbia University School of Law  
435 West 116<sup>th</sup> Street  
New York, New York 10027